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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,310	12/11/2000	Lars Gustavsson	41274/206959	3889
826	7590	04/10/2006	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/734,310	Applicant(s) GUSTAVSSON ET AL.	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000 and 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5 and 11-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snellman et al (US 6,083,352) in view of Meschenmoser et al (US 5,676,799).

Snellman discloses a shoe press 10 including a press shoe 12 adapted to be juxtaposed with a counter roll 16 to form an extended nip N through which a web passes, the press shoe extending in a cross-machine direction along the width of the web and being arranged to be moved between different positions with respect to the counter roll for controlling a pressure curve in a machine direction through the nip. A support 18 supports the press shoe. The press shoe is movable in a loading direction toward the counter roll via a plurality of hydraulic loading cylinders 20 spaced apart in the cross-machine direction along the press shoe, wherein each loading cylinder is in connection with both the press shoe and support. A stop member 48 is arranged downstream of the press shoe. The loading cylinders (Fig. 1) or the support (Fig. 6) can be eccentrically arranged with to control the position of the press shoe during pressing and thereby control the pressure curve in the machine direction through the press nip. The shoe press of Snellman differs from that of the present invention in that the stop member is fixed in one

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position, therefore is not arranged to be moved and fixed in different stop positions in the machine direction.

The Federal Circuit's predecessor court, the CCPA, has repeatedly held that presumption of obviousness was formed, based on the ken of routineer, whenever a difference was deemed minor. *In re Stevens*, 101 USPQ 284 (CCPA 1958), it was held that the provision of adjustability is not a patentable advance, because there was an art-recognized need for adjustment. The need for an adjustable stop for a press shoe is recognized in the art by Meschenmoser. Meschenmoser discloses a shoe press with a machine-direction adjustable stop 12 as illustrated in FIG. 2. The location of the stop is adjustable in the web moving direction. A correction of the contact pressure profile through positioning of the press shoe is possible if the stop is adjustable. The stop also restricts movement of the press shoe in the web moving direction. At the time of the invention, it would have been obvious to one skilled in the art to provide an adjustable stop in Snellman for the same reasons.

All other claimed features, namely the eccentrically arranged members, male members, and associated recesses (particularly Fig. 8), and the sliding piston/cylinder arrangement, sealing members, and work chamber of the loading cylinders are disclosed by Snellman and meet the claimed descriptions. The press of Snellman as modified to include an adjustable stop accomplishes the claimed method of pressing.

Allowable Subject Matter

Claims 5 and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 5 and 11 are allowable for providing

Claims 12-15 are allowable for providing both double-action loading cylinders and single-action loading cylinders with fewer double-action cylinders, wherein fixing of only double-action cylinders is done by way of male members.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All disclose a shoe press having a press shoe of particular design.

Bubik (US 5,753,084)

Crouse (US 4,973,384)

Dahl (US 4,705,602)

The following disclose shoe presses with stops:

Ilmarinen (US 4,917,768)

Schiel (US 5,925,219)

Meschenmoser (US 6,030,502) and (US 5,650,047)

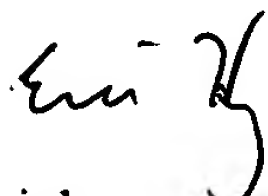
Brox (US 6,042,694)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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